

SPECIAL MEETING, WARRENSBURG TOWN BOARD, APRIL 23, 2008

A special meeting of the Warrensburg Town Board was held on Wednesday, April 23, 2008 at 4:30 p.m. at the Albert Emerson Town Hall with the following members present:

PRESENT:	Supervisor	Kevin Geraghty
	Councilman	John Alexander
	Councilman	Joseph Barlow
	Councilman	Dean Ackley
	Councilman	Austin Markey

OTHERS PRESENT: Donna A. Combs, Town Clerk; Mike Swan, Warren County Director of Real Property; Sandi Parisi, Town Historian and several town residents.

DISCUSSION – POST CLOSURE LANDFILL MONITORING SERVICES BIDS

Supervisor Geraghty opened discussion telling the Town Board these bids were a joint bid with the town of Chester for landfill monitoring wells and three bids were received: Adirondack Landfill Services, LLC for \$5,263.00, C. T. Male Associates, P.C. for \$7,950.00 and Phoenix Environmental Laboratories, Inc. for \$4,159.00. Supervisor Geraghty said Phoenix is the low bidder.

RESOLUTION #92-08

AWARD BID TO PHOENIX ENVIRONMENTAL LABORATORIES, INC.

On motion of Councilman Alexander, seconded by Councilman Barlow, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

IT IS RESOLVED, to award the bid for the landfill monitoring wells to Phoenix Environmental Laboratories, Inc. for \$4,159.00.

DISCUSSION – TEST WELLS AT HEALTH CENTER

Supervisor Geraghty told the Town Board he had checked with DEC and with Bob Hafner about Chazen drilling test wells on the town’s property. Supervisor Geraghty said if for any reason they drill on the Health Center property and they find it needs any remediation it will be 100 percent covered by the DEC Brownfield project grant. Supervisor Geraghty said that alleviates the concerns he had about them drilling on the Health Center property. Councilman Ackley asked if that was in writing somewhere. Supervisor Geraghty said it was part of the grant packet.

Councilman Markey asked if we were covered and Supervisor Geraghty said it covers us.

Councilman Barlow asked if it would cost more money and Supervisor Geraghty told Councilman Barlow it is 100 percent reimbursable. Supervisor Geraghty said he had talked to Bob today and he had read the letters and Bob advised the Board go ahead and get it done.

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RESOLUTION AUTHORIZING TEST WELLS AT HEALTH CENTER

On motion of Councilman Markey, seconded by Councilman Alexander, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLVED, that the Chazen Companies is granted permission for access to the Health Center Parking Lot properties to drill test wells for monitoring for the Econoquick Gas and Car Wash Site.

DISCUSSION – LETTER FROM NYS DEC AND NATURE CONSERVANCY

Supervisor Geraghty opened discussion telling the Town Board they each have a letter in their packet from the NYS DEC and the Nature Conservancy regarding the plan for the 2,019 acres in the town of Warrensburg. Supervisor Geraghty told the Board to read it over, if they had any questions to call DEC, it is basically what he had told them except in one part they were talking about a mountain bike trail up Harrington Hill to Route 9. Supervisor Geraghty told the Town Board most of the towns have found their plans acceptable.

Councilman Markey asked that this be added to the agenda for the May regular meeting so that the town can do a response.

RESOLUTION #93-08

AUTHORIZING MASTER MUNICIPAL CERTIFICATE

On motion of Councilman Markey, seconded by Councilman Alexander, the attached resolution was: ADOPTED – VOTE – AYES 5 NAYS 0

PRIVILEGE OF THE FLOOR-MIKE SWAN

Supervisor Geraghty opened discussion telling Mike Swan, Warren County Real Property Services Director that the town board had several questions for him.

Councilman Ackley – asked Mr. Swan how many people he has met with. Mr. Swan told him they had about 250 informals which is about eight percent; they reviewed five to six hundred parcels total, there were concerns raised at the last meeting about certain areas where it was said people had certain information, they looked over everything they could find and everything that was brought in and they did make some changes.

Councilman Ackley asked how many people were satisfied in the office and how many people were not. Mr. Swan said he would say half of the people he sat with were happy and seemed content with what they got when they left, he was not sure about the other half, they did adjust about thirty percent of those 250, maybe a little more.

Councilman Ackley asked if they had seen a lot on areas that could have been corrected before hand. Mr. Swan said some of the stuff was inventory error where they did not have the right information on a property so they changed it, land size or river

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frontage or building size where people brought information in from what was different on file. Mr. Swan said he did not do the residential stuff, he did the commercials and Roger did the reviews on the residential so that was kind of a hard question to answer. Mr. Swan said there were a couple of people who came in and pointed out stuff and he did go and look at those.

Councilman Markey told Mr. Swan he had said he did most of the commercials and asked if he knew about the residential, the properties Roger had done and the numbers he had.

Mr. Swan said his own office had run the numbers on the residential and gave them to him based on the information they had and then Roger did the reviews on those, before the preliminary rolls were put together and before the notices were sent, after that he and Roger went through all of the informals, everybody that filed an informal or made a phone call, both of them looked at every thing. Mr. Swan said they had just finished running the tentative roll this morning and they have had not had a chance to do any of the reports on it yet.

Councilman Markey said a lot of people were coming to see him, they want to know if they want to grieve what the next step is.

Mr. Swan told Councilman Markey they should get a grievance form and file it here with the Assessor or the town clerk and that can be done up to May 27th which is grievance day; the forms are here, they are at the County and they are on line.

Councilman Markey asked what the person's next step is when they file this grievance form, are they contacted by someone in the Assessor's office and scheduled another meeting with them or does it go directly to grievance day.

Mr. Swan explained it goes directly to grievance day once you file the form, you can come and plead your case in front of the Board or you can just submit the form to the Board and they will review it before they go into their executive session.

Councilman Markey asked Mr. Swan if he has any idea the number that will end up in small claims.

Mr. Swan said when Mike Maxwell did the project he thought they had 85 or 89 grievances so he is anticipating somewhere in that range again.

Councilman Alexander asked Mr. Swan about the undervalued properties and how to address those issues in the future.

Mr. Swan said they were able to pick up some of them, this is not science, it is an art more than a science and you try and get as much done as you can but when you do not

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have the right information you do not get the best results, garbage in and garbage out. Mr. Swan said they did collect a lot of information from people that came in from certain areas of the town where people felt there might be problems and he and Roger looked at them and adjusted some of them upward, there were some areas where people complained about that they did adjustments down.

Councilman Markey asked if someone did not come in and grieve their particular property that lived in that area if it was adjusted anyway.

Mr. Swan said they may have, they did that in several areas.

Supervisor Geraghty said he felt it was pretty obvious James Street had that happen, there were a couple of them that were \$35,000.00 and then there were a couple that were \$55,000.00, the exact same size.

Mr. Swan said just because they did not come in for an informal did not mean they might not have done something for the property which is what these notices that are mailed on the 29th will state.

DISCUSSION – APPOINT TEMPORARY ASSESSOR

Supervisor Geraghty opened discussion explaining the Board would need to appoint a temporary assessor while Roger is out; he has a recommendation from Mike Swan, the Warren County Real Property Director, to appoint Helen Otte who is a retired Assessor for the Town of Queensbury. Supervisor Geraghty said he has spoken to Mrs. Otte and she is willing to work the grievance days at a rate of \$150.00 per session, she figures it could take up to four sessions.

Mr. Swan told the Town Board he highly recommends Mrs. Otte, he will be working with her, what he has sat up with her is as the grievance forms come in he will review them with her so she has a kind of understanding, he can give her information about them.

Councilman Markey – asked if there was a place where people can go on line and review their property and other parcels.

Mr. Swan said they can go to the Warren County website, the preliminary role is there right now, the tentative roll will be on the website May 1st.

RESOLUTION #94-08

APPOINT HELEN OTTE TEMPORARY ASSESSOR

On motion of Councilman Ackley, seconded by Councilman Markey, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLVED, to appoint Helen Otte temporary Assessor for the Town of Warrensburg.

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**RESOLUTION #95-08
MOVE TO EXECUTIVE SESSION**

On motion of Councilman Ackley, seconded by Councilman Markey, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLVED, that this Board move into an executive session to do an interview with a prospective Board of Assessment Review applicant. Time 4:55 p.m.

**RESOLUTION #96-08
CLOSE EXECUTIVE SESSION**

On motion of Councilman Markey, seconded by Councilman Alexander, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLVED, that the executive session be closed and that this Board return to the regular meeting. Time 5:00 p.m.

**RESOLUTION #97-08
RESOLUTION APPOINTING TEDDY KALISZ TO BOARD OF ASSESSMENT REVIEW**

On motion of Councilman Barlow, seconded by Councilman Markey, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLVED, to appoint Teddy Kalisz to the Board of Assessment Review to fill the unexpired term of James Carrion.

**RESOLUTION #98-08
MOVE TO SCHEDULED PUBLIC HEARING**

On motion of Councilman Alexander, seconded by Councilman Barlow, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLVED, that this meeting be interrupted to hold a Public Hearing advertised and scheduled for this evening at 5:00 P.M.

PUBLIC HEARING – ZONING MAP AMENDMENT AND SEQRA HEARING FOR PETITION FOR OF CHANGE.

Public Hearing was called to order at 5:00 p.m.

A legal notice was printed on April 13, 2008 in the Glens Falls Post Star with a copy of said notice posted on the town clerk bulletin board on April 9, 2008. The contents of that legal notice was read into the record.

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No one wished to comment.

**RESOLUTION #99-08
CLOSE PUBLIC HEARING**

On motion of Councilman Alexander, seconded by Councilman Barlow, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLVED, to close the Public Hearing and reconvene to the regular meeting. Time 5:05 p.m.

**RESOLUTION #100-08
RESOLUTION TO CHANGE WARRENSBURG ZONING MAP FROM SFR 40
TO SFR 10 FOR PARCEL #210.20-1-17**

On motion of Councilman Alexander, seconded by Councilman Ackley, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLVED, to change the Warrensburg Zoning Map from SFR 40 to SFR 10 for parcel #210.20-1-17 and to declare for the SEQRA there will not be any significant adverse environmental impacts.

PRIVILEGE OF THE FLOOR-PUBLIC COMMENTS

Carolyn Chorba – told the Town Board they have property at 372 River Street. Mrs. Chorba said in reference to what Mike Swan said earlier that people that came in that were not happy about their assessments sat down with him and or Roger; they were not given that luxury. Mrs. Chorba told the Town Board they had met with Mike numerous times at Warren County because he had answered questions for them regarding paper work that they did not understand; in one of their discussions when Mike was explaining how to read certain forms he told them Roger considered their informal the meeting that they had with Katie. Mrs. Chorba said she liked Katie, she is a very nice person but she is not the Assessor and did not answer one of their questions. Mrs. Chorba explained they sat down and spoke to Katie about her husband and every day stuff.

Edward Chorba- told the Town Board they were not prepared with paperwork at that time, the Assessor's Office was not able to give them that until last week in order to formulate their questions on their complaint.

Mrs. Chorba – said Katie told them Roger was not going to be meeting with people this year, anything they wanted to say should be addressed in written form, and they just got their paperwork last week because there was an alleged computer glitch so they put what they could together in a short period of time to get it into Mike and Roger by the 20th.

Councilman Ackley asked if Katie took any notes on their concerns. Mr. Chorba said no and Mrs. Chorba said no, they did not bring up any of their concerns with Katie.

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Councilman Ackley said you had an appointment that day and you walked in and.....Mrs. Chorba said they had an appointment, Roger was on the other side of the petition and Katie said, if you have any questions you can ask me. Mrs. Chorba said she asked if they were not meeting with Roger and Katie said only if she could not answer a question. Mrs. Chorba said she did not have any questions because she did not have any proof of their unfair, over assessment. Mr. Chorba said they did not want to just state it was not fair when they did not have anything tangible. Councilman Ackley asked if they did make another appointment since they had an appointment and went in with nothing and.....Mrs. Chorba told the town board this was the thing; the last time they had an appointment with Roger, the last time when they were reassessed when they purchased their property they pointed out what they thought was unfair as far as their assessment and he did not do anything for them. Mrs. Chorba said they then took it to the Grievance Board and they were reduced \$20,000.00; they then took it to small claims and they were reduced \$40,000.00, a total of \$60,000.00 and with the new assessment they went up one hundred and thirty. Mrs. Chorba said just to give the Board a little background, when they bought their property it was the least assessed for what was assessed for all of the properties around water where they are, the full market value was \$70,000.00; upon their ownership they went up to \$203,000.00. Mrs. Chorba said they were now the highest in that area; the only lower is the Sweets 132 acres. Mrs. Chorba said they have 2.23 acres; that is a mirror image of their property. Mrs. Chorba said the small claims officer also reduced their percentage to 2.25. Mrs. Chorba said they went up from \$140,000.00, they are now \$272,000.00 and they are the highest in the area except for Sweets.

Supervisor Geraghty asked Mr. and Mrs. Chorba if they did know there was nothing the Town Board could do about this. Mr. Chorba said they did, they were only telling them this because the Board was asking questions whether there were any problems in this area. Mrs. Chorba said she believes welcome stranger is alive and well in Warrensburg, she was sorry, she did not mean to disrespect anybody and she did know it was not the town boards' problem or their fault for a property to be once the least assessed to jump up so high just because they took ownership.

Supervisor Geraghty asked if he could just ask one question, how much did they pay for the property. Mrs. Chorba said they had overpaid, they knew that. Supervisor Geraghty asked Mrs. Chorba to just please answer the question and she responded \$310,000.00. Supervisor Geraghty said he was not saying it was right but he just wished to get that on the record. Mrs. Chorba said absolutely. Supervisor Geraghty said you paid \$310,000.00 for a property assessed for \$70,000.00. Mrs. Chorba said they did not know, they did not get any records before they purchased. Supervisor Geraghty told Mrs. Chorba he was not saying they were right or wrong because he had been there, as he had told these gentlemen when he purchased his first house in 1978 he had the same thing happen to him, he has been through the process and believes the process will work, that is all he is saying, do your home work, go through the process, we have a fair process, maybe not as far as you want but go through the process.

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Mrs. Chorba said they thought they had gotten a bargain, the owner was asking \$100,000.00 more than what they paid for the property. Mrs. Chorba said they are not from the area. Mr. Chorba said this was probably the first impulsive buy they had ever done in their lives, they are not big city Manhattanites.

Supervisor Geraghty said try to let the process work, no one is out to hook anyone, in all fairness we just hired a person to come in who is a long time, retired assessor, they are hoping along with the Board of Assessment Review they will take everything into account and will make the process count, they want to try to get the process to work. Supervisor Geraghty said he wished to say one thing, they are listening, they have been listening, they know there are certain things they have to do. Supervisor Geraghty said now, will it happen and will they be satisfied when they go into that Board and walk out, he could not say that but they are listening, he wants to be fair.

Councilman Ackley said he just wished to say thank you for coming and giving them their extra eyes in that office, he did get their point and he does know what they are trying to say and he did appreciate it because that is what they need to know.

Councilman Markey said he knew it was really frustrating when you set up an appointment with one person and you do not get to finish with that person.

Councilman Ackley said you should have.

Mrs. Chorba responded that was her point exactly because she did know the town board does not hear what the grievance board hears and maybe sometimes they should.

Councilman Markey said he sat in a couple of days last year and he thought a couple of the other guys sat in also.

Mrs. Chorba said in closing she wished to say that she knew they said assessments are sometimes based on sales price but what Mike Swan told them, no matter what method is used for assessment, when it is all over with, similar properties should all be similar in assessment.

Supervisor Geraghty said that is correct.

Art Healy, Moose Ridge Drive – told the town board Mike (Swan) made a statement when he was here, he let the Board believe that people will sign up before they come (Grievance Day) but they are coming in the same day. Mr. Healy said people come in right off the street, fill out the paper work and go so you really don't know who is coming. Mr. Healy said he knew they had done 80 and that Board of Assessment Review would be over 100 (complaints). Mr. Healy said Mike had said you have to make an appointment but you do not, you can walk right in off the street, his problem is yes, if

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they sign up he knows, with the new Assessor the Board just appointed, to get the records before hand but if they come off the street how are you going to know what records to get, you are going to have to go back in there all day long and get the records, that is a problem they are going to have and he can see it coming.

Supervisor Geraghty assured Mr. Healy it works the same all over the State; it is not unique to Warrensburg.

Mr. Healy told the Board the statement was made it was going to be done in four meetings, and, he did not believe that.

Discussion ensued on Grievance Day procedures and what the law is.

Tape inaudible everybody talking at once.

Mr. Healy told the Town Board he just wanted them to know it might take longer than four days, to be fair and equitable.

DISCUSSION – CROSS WALK SIGNS

Councilman Alexander opened discussion telling the Board there is five cross walk signs left out of the six they purchased and they want to get them back out. Councilman Alexander said they want to put one of the signs at Stewart Farrar, one at the bottom of Elm Street, River, over by School and the Church.

Discussion ensued on people stopping in the crosswalks, and, the authority a first class town has versus a second class town.

Councilman Alexander asked the Board for suggestions on the bare mediums in front of the town hall where the bushes and grass are gone, it is now bare dirt and suggested possibly paving them right over, doing something that is permanent.

Councilman Alexander asked what we can do with state property.

Councilman Ackley said he argued about this with State because he wanted concrete and they told him the town had to have green space.

Supervisor Geraghty said he would make a call and see if the Town can put stamped concrete in there. Councilman Alexander said perhaps benches could be placed in there. Sandi Parisi suggested planters.

Discussion ensued on the bushes that are in the ground, and, what kind materials should be put in the bare ground areas.

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On motion of Councilman Markey, seconded by Councilman Alexander, the meeting was adjourned at 5:26 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk